

INTER-OFFICE COMMUNICATION FROM

THE OFFICE OF

CLERK OF THE BOARD OF COUNTY COMMISSIONERS

January 27, 1987

TO: Jan Winters, County Administrator
Lisa Heasley, County Attorney's Office
Tom McEaddy, Asst. Co. Attorney
David Bludworth, State Attorney
Joy Shearer, Asst. Attorney General
Lt. Jack H. Rochester, Sr. - Sheriff's Dept.-Civil
Jerry Nolan, Sheriff's Office-Admin.
John Lehner, PZ&B
Bob Palchanis, Building Division
Patty Young, 4th Dist. Ct. of Appeals
Law Library
County Library (2)
Pinky Yount, PBC Municipal League, Inc.
1708 N. Lakeside Drive, Lake Worth, FL 33460
Solid Waste Authority
Tom McLaughlin, Finance - Van Ho, Finance
Denise Smyth, Finance - Pat Neville, Finance

FROM: John W. Dame
Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION
ORDINANCE NO. 87-1

TITLE REFERENCE:

An Ordinance of the BCC of PBC, FL, amending Section 8 of Ord 84-10, as amended...to allow for billing, coll & enforcement...clarifying & ratifying the intent that govt'l agencies & tax exempt property are subject to annual collection...

Attached is a copy of the above referenced Ordinance of Palm Beach County. This Ordinance has been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The effective date is January 23, 1987.

JWD:lc
attachment
cc:* Commissioners, BCC
Clerk of BCC
Minutes

* If a copy of ord. is needed please advise Ms. Lorie Clinger, Finance Department at 837-2959.

ORDINANCE NO. 87-1

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 8 OF COUNTY ORDINANCE NO. 84-10, AS AMENDED BY ORDINANCE NO. 85-7, AS AMENDED BY ORDINANCE NO. 86-2, AND ADDING AN ADDITIONAL SECTION TO ORDINANCE NO. 84-10 WHICH PROVIDES FOR THE IMPOSITION OF SPECIAL ASSESSMENTS FOR MANDATORY GARBAGE AND WASTE COLLECTION AND DISPOSAL WITHIN SEVEN (7) MUNICIPAL SERVICE BENEFIT UNITS IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY FOR THE PURPOSE OF ALLOWING THE BOARD OF COUNTY COMMISSIONERS TO ALLOW FOR THE BILLING, COLLECTION AND ENFORCEMENT OF SPECIAL ASSESSMENTS AND SERVICE CHARGES PURSUANT TO INTERLOCAL AGREEMENT WITH THE SOLID WASTE AUTHORITY PURSUANT TO GENERAL OR SPECIAL LAW AND CLARIFYING AND RATIFYING THE INTENT THAT GOVERNMENTAL AGENCIES AND TAX EXEMPT PROPERTY ARE SUBJECT TO THE ANNUAL COLLECTION SPECIAL ASSESSMENTS AND SERVICE CHARGES.

WHEREAS, it is appropriate to amend Palm Beach County's Mandatory Garbage and Waste Ordinances to allow the Board of County Commissioners through an interlocal agreement with the Solid Waste Authority to provide for an additional method for the billing, collection and enforcement of special assessments and service charges pursuant to general or special law, and

WHEREAS, it is appropriate to make other amendments to said Ordinances to clarify and ratify the intent of the Board of County Commissioners that governmental agencies and tax exempt property are subject to the imposition of the annual collection special assessments and service charges.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA as follows:

Part I - Section 8, Annual Garbage and Waste Collection, Special Assessment of Ordinance No. 84-10, as amended by Ordinance No. 85-7, as amended by Ordinance No. 86-2 is hereby amended as follows:

SECTION 8. ANNUAL GARBAGE AND WASTE COLLECTION, SPECIAL ASSESSMENT

There is hereby imposed an annual special assessment for the collection and disposal of garbage and waste on all residential units within the benefit unit. The amount of such special assessment for such garbage and waste collection and disposal shall be the rate established as provided herein. Subsequent to the certification of the Assessment Roll by the Property Appraiser of Palm Beach County pursuant to the

1 provisions of Section 193.122 or Section 197.0134, Florida Statutes, the
2 Board and the Tax Collector or other Board designee shall obtain a copy
3 of the Assessment Roll from the Property Appraiser covering all taxable
4 properties in Palm Beach County as reflected on the records of the
5 Property Appraiser. Thereafter the project Manager or other Board
6 designee shall cause to be prepared an independent file or roll which
7 shall contain those properties as provided by the Property Appraiser
8 which are subject to the special assessment described herein. such
9 independent file or roll shall contain sufficient detail to permit ready
10 identification of such unit consistent with detail contained on the
11 assessment roll provided by the Property Appraiser. On or before the
12 first day of January, prior to each service year, or as soon thereafter
13 as the said Assessment Roll may come into the hands of the Board and the
14 Tax Collector or other Board designee and completion of the independent
15 file or roll prepared by the Project Manager or other Board designee and
16 the amount of revenues necessary to fund the collection of garbage and
17 waste within the benefit units has been determined, the Board shall hold
18 a public hearing to adopt a rate resolution incorporating a schedule of
19 the annual collection special assessments to be imposed upon the owners
20 of all residential units in the benefit units. Such schedule shall
21 provide sufficient revenues to fund the collection of garbage and waste
22 within the benefit units.

23 Notice of the public hearing on the rate resolution shall be
24 published by the Clerk of the Circuit Court acting as the Clerk of the
25 Board once a week for four (4) consecutive weeks in a newspaper of
26 general circulation prior to the public hearing. Said public hearing may
27 be continued to a date certain without the necessity of further newspaper
28 advertisement or public notice.

29 Special Assessments and service charges shall be collected and
30 enforced in the manner provided in this Ordinance; however, if authorized
31 by general or special law, the Board may, through interlocal agreement or
32 other written contract, with the Solid Waste Authority, provide that the
33 Authority may perform all or a portion of those functions and
34 responsibilities of the Board as are contained in this Ordinance,
35 including but not limited to the billing, collection, and enforcement

1 of special assessments and service charges or those other functions
 2 and responsibilities that may be contained in said general or special
 3 law which may consist of billing, collection and enforcement
 4 procedures different than those contained in this Ordinance, such
 5 as billing, collecting and enforcing the special assessments and
 6 service charges imposed pursuant to this Ordinance in the same manner
 7 that ad valorem taxes are collected, and through the tax bill issued
 8 by the Tax Collector of Palm Beach County which procedures may also
 9 include provisions relating to discount for early payment, prepayment by
 10 installment method, penalty for delinquent payment and issuance of
 11 tax certificates and tax deeds for nonpayment. In such event, the
 12 Board shall not be required to comply with the provisions of this
 13 Ordinance relating to the notice, collection and enforcement of the
 14 special assessments imposed pursuant to this Ordinance. Conflicts
 15 in language, definitions or intent between this Ordinance and any
 16 such general or special law shall be resolved in favor of the
 17 furtherance of the intent and purposes of any such written contract,
 18 or as may be otherwise required by law. The provisions of any such
 19 written contract shall be broadly construed to effectuate such
 20 intent and purpose.

21 Part II - Ordinance No. 84-10 is amended by adding a new Section 20,
 22 Annual Collection Special Assessments and Service Charges Applicable
 23 to Governmental Agencies and Tax Exempt Property.

24 SECTION 20. ANNUAL COLLECTION SPECIAL ASSESSMENT AND SERVICE
 25 CHARGE APPLICABLE TO GOVERNMENTAL AGENCIES AND TAX EXEMPT PROPERTY.

26 (a) The Board shall bill all governmental agencies owning
 27 residential units within the unincorporated areas of the County and said
 28 governmental agencies shall pay the annual collection special assessment
 29 and service charge imposed under this Ordinance.

30 (b) Any discounts for early payment authorized under this
 31 Ordinance shall not be applicable to the annual collection special
 32 assessments and service charge imposed against governmental agencies
 33 owning residential units. Such governmental agencies shall pay in the
 34 manner provided herein or as provided by general law or special law
 35 pursuant to any written contract between the Board and the Solid Waste

1 Authority the full annual collection special assessments or service
2 charge imposed.

3 (c) The Board shall have to authority to enforce the
4 collection of any delinquent annual collection special assessments and
5 service charges by the institution of an appropriate action against
6 the governmental agency in a court of competent jurisdiction for a
7 judgment for the amount due under such annual disposal special
8 assessments and service charges, including all penalties, plus costs
9 and a reasonable attorney's fee.

10 (d) The tax exemption of property from taxation under Chapter
11 196, Florida Statutes, or any other law or constitutional provision shall
12 not relieve the owner of any residential unit in the unincorporated area
13 of the County from the provisions hereof or from the imposition by the
14 Board of the annual collection special assessment and service charge
15 applicable to such residential unit.

16 Part III - Section 20, Severability, of Ordinance No. 84-10 is
17 renumbered as Section 21.

18 Part IV - Section 21, Penalties, of Ordinance No. 84-10 is renumbered as
19 Section 22.

20 Part V Section 22, Repeal of Conflicting Ordinances, of Ordinance No.
21 84-10 is renumbered as Section 23.

22 Part VI - Section 23, Inclusion in the Code of Laws and Ordinances, of
23 Ordinance No. 84-10 is renumbered as Section 24.

24 Part VII - Section 24, Effective Date, of Ordinance No. 84-10 is
25 renumbered as Section 25.

26 PART VIII - REPEAL OF LAWS IN CONFLICT

27 All local laws and ordinances applying to the unincorporated
28 area of Palm Beach County in conflict with any provisions of this
29 ordinance are hereby repealed.

30 PART IX - SEVERABILITY

31 If any section, paragraph, sentence, clause, phrase, or word of
32 this ordinance is for any reason held by the Court to be
33 unconstitutional, inoperative or void, such holding shall not affect the
34 remainder of this ordinance.

PART X - INCLUSION IN THE CODE OF LAWS AND ORDINANCES

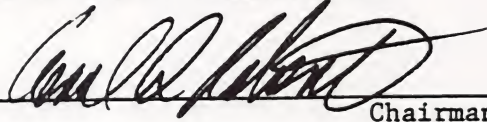
The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

PART XI - EFFECTIVE DATE

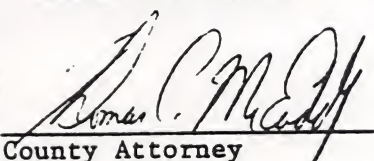
The provisions of this ordinance shall become effective upon receipt of acknowledgement by the Secretary of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 13th day of January, 1987.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

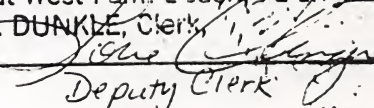
By  Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


County Attorney

Acknowledgement by the Department of State of the State of Florida, on this, the 20th day of January, 19 87.

EFFECTIVE DATE: Acknowledgement from the Department of State received on the 23rd day of January, 19 87, at 2:03 P.M., and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, Secretary Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on 1-13-87
DATED at West Palm Beach, FL on 1-29-87
JOHN B. DUNKLE, Clerk
By:  D.C.
Deputy Clerk